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In re Application of
David P. Schneider
Application No. 09/375,767
Filed: August 17, 1999
Attorney Docket No. DPS*1

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a), filed September 10, 2002, to withdraw the holding of abandonment based on failure to receive an office action.

The petition is **GRANTED**.

Petitioner avers non-receipt of the non-final Office Action mailed on December 12, 2001. In support, Petitioner has provided the necessary statements and copies of the docket record where the non-received Notice would have been entered had it been received and docketed. Petitioner has demonstrated by a preponderance of the evidence that the Notice was not received.

The Notice of Abandonment is hereby withdrawn.

The non-final Office action, mailed December 12, 2001, will be re-mailed and a new time period for response will be set to run from the mailing date thereof.

The application file is being forwarded to Technology Center AU 1616 for re-mailing of the Office action to and restarting the time period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

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